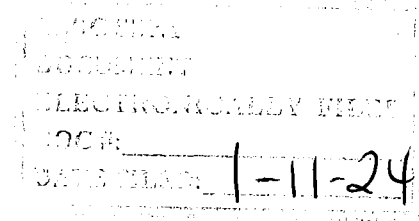


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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UNITED STATES OF AMERICA :

v. :

MICHAEL KRUISE WILLIAMS, :
Defendant. :

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ORDER

S2 22 CR 405-2 (VB)

Pending before the Court is defendant's motion for a reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) and U.S.S.G. § 1B1.10, based on Amendment 821 to the Sentencing Guidelines. Amendment 821 went into effect on November 1, 2023, and was made retroactive by the U.S. Sentencing Commission. For the following reasons, the motion is GRANTED. Defendant's sentence is reduced from 24 to 21 months' imprisonment. All other components of the sentence remain as originally imposed.

At sentencing, the applicable Guidelines range was 27-33 months' imprisonment, based on a final offense level of 18 and a criminal history category of I. Although defendant had a prior felony conviction for attempted possession of a forged instrument in the second degree, the Court determined that that conviction was based on conduct that was part of the instant offense, and therefore was not a "prior sentence" under Guidelines § 4A1.2(a)(1). As a result, defendant had zero criminal history points.

Amendment 821 created a new Section 4C1.1, which provides for a two-level decrease in offense level for defendants with zero criminal history points who meet specified eligibility criteria. Defendant does meet the eligibility criteria in Section 4C1.1. Therefore, defendant's amended offense level is 16, and his amended sentencing range is 21-27 months' imprisonment.

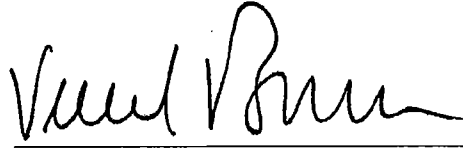
Having considered the sentencing factors set forth in 18 U.S.C. § 3553(a), the Court concludes that a reduction of the term of imprisonment to the low end of the amended range is fair and appropriate. Although the offense was serious, the several mitigating factors that warranted a downward variance to 24 months at the time of sentencing still apply. Moreover, during the period of his incarceration, defendant has received no disciplinary sanctions and has successfully participated in numerous education programs and work assignments. And the Court is confident the three years of supervised release that will follow defendant's release from prison will adequately mitigate any public safety concerns posed by defendant's early release.

Accordingly, defendant Williams is resentenced to 21 months' imprisonment. All other components of the sentence remain as originally imposed on November 22, 2022.

The effective date of this Order is February 1, 2024.

Dated: January 11, 2024
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge